

REMARKS

This Amendment is filed in response to the Office Action mailed on June 20, 2007. All objections and rejections are respectfully traversed.

Claims 1-48 are currently pending.

Claims 42-48 are added.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

Claim Objections

At paragraph 4 of the Office Action, claims 1, 3, 11, 18, 21, 28, and 33 were objected to because of informalities.

The claims are amended to overcome the informalities and are believed to be in condition for allowance.

Claim Rejections – 35 USC § 112

At paragraph 5 of the Office Action, claims 14 and 31 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 14 and 31 and believes the claims are allowable over the §112 rejection.

Claim Rejections – 35 USC § 101

At paragraph 6 of the Office Action, claims 1-17 and 39-41 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

In particular, the Examiner stated that claims 1-17 were directed to software per se. Applicant has amended claim 1 to have a computer executing the management application. As the management application is performed by a computer, representative claim 1 should be allowable over the § 101 rejection.

In particular, the Examiner stated claims 39-41 are drawn to “computer-readable medium,” which does not fall within a statutory category. Applicant respectfully urges that representative claim 39 complies with all requirements of MPEP 2106 IV (page 2100-10 of the Eighth Edition of the MPEP Incorporating Revision 2). In particular, Claim 39 is to a computer readable medium, for example a disk, etc. The disk contains the computer program, and the computer program executes the novel steps set out in claim 39. Accordingly, Applicant respectfully urges that claim 39 complies with all requirements of 35 U.S.C. § 101, and with the requirements of MPEP 2106 IV

Claim Rejections – 35 USC § 102

At paragraph 7 of the Office Action, claims 1, 2, 7-19, 24-36, and 38-40 were rejected under 35 U.S.C. §102 as being unpatentable over Prahlad et al., US Patent Application Publication No. 2004/00100487, hereinafter Prahlad.

The present invention, as set forth in representative claim 1, comprises in part:

1. A system for indexing and manipulating a set of backup data stored on a destination system interconnected with a source file system having source

data from which the backup data is transmitted to the destination system comprising:

a management application executed by a computer, where ***the management application*** (a) communicates with the destination system and that accesses data identifiers related to the backup data organized in a tree structure and representing a plurality of persistent consistency point images (PCPIs) of the data, each with associated information related to creation time and (b) ***organizes the data identifiers into a structure that enables the data to be displayed in a plurality of organizational formats***; and

a user interface that allows selective display of the data identifiers so that the backup data can be accessed and manipulated by a user in a desired organizational format.

Prahlad discloses a system for creating a quick recovery volume of a primary data set, with the quick recovery volume stored on an archival storage unit. A snapshot manager indexes and manages the snapshots. A user interface allows users to browse and recover data from the snapshots, where the snapshots are displayed in a folder and a user can select a snapshot to look at the contents of the snapshot.

Applicant respectfully urges that Prahlad does not disclose Applicant's claimed novel ***the management application... organizes the data identifiers into a structure that enables the data to be displayed in a plurality of organizational formats***. In further detail, in Applicant's claimed invention the data can be viewed in a plurality of organizational formats. The plurality of organizational formats includes (a) a listing of source data entries indexed by names of the source storage system and (b) a listing of source data entries indexed by names of directories of the source storage system, and (c) a listing of source data entries indexed by names of volumes of the destination storage system in which the backup data from the source data resides. In contrast, Prahlad only discloses one organizational format for listing snapshots and that is in a folder. A query based on a specific time snapshot in Prahlad is a way of narrowing the results but the listing of snapshots are not delivered to a user in another format besides a folder. There is no disclosure in Prahlad of giving a user multiple (plurality) organizational formats for viewing the data on the destination system (archive storage device).

Accordingly, Applicant respectfully urges that Prahlad is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *the management application... organizes the data identifiers into a structure that enables the data to be displayed in a plurality of organizational formats.*

Claim Rejections – 35 USC § 103

At paragraph 8 of the Office Action, claims 3-6, 20-23, 37, and 41 were rejected under 35 U.S.C § 103 as being unpatentable over Prahlad, in view of Armangau, US Patent No. 6,434,681.

Applicant respectfully notes that claims 3-6, 20-23, 37, and 41 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 3-6, 20-23, 37, and 41 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

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Respectfully submitted,

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